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Rep. Dennis Avery
Rep. Greg Porter
Rep. Cleo Duncan
Rep. Robert Hoffman
Rep. Rich McClain
Sen. Teresa Lubbers, V. Chair
Sen. Robert Meeks
Sen. Greg Server
Sen. Mark Blade
Sen. Billie Breaux
Sen. Connie Sipes



INTERIM STUDY COMMITTEE ON EDUCATION ISSUES

**Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 232-9559 Fax: (317) 232-2554**

LSA Staff:

Dave Hoppmann, Fiscal Analyst
Mark Goodpaster, Fiscal Analyst
Irma Reinumagi, Attorney
Jeanette Adams, Attorney

Authority: Legislative Council Resolution 2-1998

MEETING MINUTES

Meeting Date: July 8, 1998
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St., 156B
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Rep. Paul Robertson, Chair; Rep. Dennis Avery; Rep. Greg Porter; Rep. Cleo Duncan; Rep. Rich McClain; Sen. Teresa Lubbers; Sen. Greg Server; Sen. Mark Blade.

Members Absent: Rep. Robert Hoffman; Sen. Robert Meeks; Sen. Billie Breaux; Sen. Connie Sipes.

Chairman Robertson convened the meeting at 10:15. In comments to the committee members, he indicated that at the end of this meeting he wished to set a date for the final two meetings with at least one in August. At the meeting he intended to have the staff summarize the issues that were presented to the committee during testimony at the previous meetings and to have an open and frank discussion on the issues that were discussed. He also indicated that he would allow testimony from those who are opposed to full day kindergarten at the next meeting.

Minutes of the previous meeting held on June 28, 1998, were approved by committee members.

Committee members heard testimony about special education students who must take the minimum competency test for ninth graders.¹

Robert Marra, Director of Division of Special Education, Department of Education

Mr. Marra described the efforts of the Department of Education (DOE) to devise an alternative assessment procedure for special education students. He indicated that Indiana's Assessment System of Educational Proficiencies is being developed to meet Federal guidelines which call for the inclusion of all students with disabilities in statewide accountability systems.

¹ Note: IC 20-10.1-16-13 specifies those students who expect to graduate during the 1999-2000 school year, must meet (1) the educational proficiency standard tested in the graduation examination; and (2) any additional requirements established by the governing body. In the minutes of this meeting, this test will be referred to as the **Gateway Exam**.

Mr. Marra told the committee that this alternative testing is being developed for two specific populations: 1) Those students -- between 1% and 2% of the population -- who are mentally disabled to the point that they are not enrolled in any academic programs and for whom the Gateway Examination would not be appropriate. 2) Those special education students -- between 2% and 5% of the total population -- who have been mainstreamed into the general academic curriculum but for whom the Gateway Examination would not accurately affect their abilities.

This alternative test will be administered at seven pilot sites during the 1998-99 academic year.

Mr. Marra distributed a document to the committee members that summarized the efforts by DOE to develop an alternative assessment for special education students.²

During a question and answer session with committee members, the following points were raised:

- When the gateway examination is administered in the year 2000, it is likely that some special education students will not qualify to take the alternative examination but will not likely pass the gateway exam.
- There is some concern that teachers are not receiving adequate training to teach to the higher standards that are required for students to pass the exam.
- While the federal guidelines for accommodating the special education students are not yet final, it is likely that Indiana's alternative assessment for special education students will surpass the federal standards.
- In developing an alternative assessment for special education students, Mr. Marra emphasized that accommodations that are made for special education students are designed to allow students to achieve certain outcomes so they can live, work, and play in the mainstream world.

Kevin McDowell, General Counsel, Department of Education³

Mr. McDowell presented to the committee members a written summary of legal issues involving exit examinations and the Indiana Graduation Qualifying Examination. He summarized the legal ramifications for exit examinations that include Indiana's gateway examination. These include the following:

- Exit examinations must be related to curriculum.
- Students must have actual opportunities to be taught the curriculum.
- There must be sufficient notice to parents and students prior to the administration of the exit examination as a precondition to receipt of a diploma.
- There should be multiple opportunities to pass the exit examination.
- There must be remediation programs available to target academic deficiencies of students who have failed the exit examination.
- A state and its school districts must address issues related to poor performance, such as attendance and physically deteriorating schools.
- The exit examination must be designed and administered so as to assess the degree of academic ability and the degree of disability.
- There should be a clear, positive, articulated policy for the implementation/administration of an exit examination and the application of its results.

Mr. McDowell indicated to the committee members that he was confident that Indiana's assessment

² Mr. Marra's material are on file in the Legislative Information Center, Room 230 of the Statehouse, Indianapolis, Indiana 46204. The telephone number for the Legislative Information Center is (317) 232-9856.

³ Mr. McDowell's document is on file in the Legislative Information Center (see Footnote 2).

process was legally sound and consistent with federal requirements. Other issues included: 1) whether school corporations could be vulnerable to lawsuits due to gateway exam if a number of students perform poorly; and 2) the problems with temporary workers contracted by CTB McGraw Hill making mistakes when scoring the tests. DOE staff indicated that parents may request that a child's test may be rescored if the parent believes that the test did not reflect the child's ability.

Craig Mortell, Carmel, IN⁴

Mr. Mortell is a parent of a middle school student, Christopher, who is enrolled in the special education program in Carmel Clay Schools. He told the committee that his son misses a significant number of days of schools because of continued medical treatment. Consequently, Christopher would not likely qualify for a diploma under the appeal of graduation examination results.⁵ DOE staff indicated that medical absences would not be counted against Christopher's attendance record.

Howard Litton, Jr., Jasper IN

Mr. Litton has a 16-year-old daughter who is mildly retarded. She has already failed the Gateway examination once. He told the committee that even though his daughter spends an inordinate amount of time studying, she is still slow to comprehend basic facts. He also indicated that his daughter has become discouraged after failing the test.

Mr. Litton told the committee members that one provision of the appeals process specifies a minimum grade point average of a "C". While his daughter is enrolled in several core academic classes in math and science, it is not likely that she will be able to earn a "C" grade point average.

Finally, Mr. Litton also voiced his concern about the effect that this test will have on academic standards. He indicated that teachers may try to accommodate some students who are taking core courses and are not performing well by watering down the curriculum and giving some students inflated grades.

Bertha Muenks, Tell City

Ms. Muenks told the committee her concern about how the gateway examination affects special education programs.

She suggested that the committee consider the following alternatives:

- repeal the gateway exam totally;
- make accommodations in the test for certain students;
- put a label on the certificate indicating whether the student has passed the gateway; or
- suspend the test until further study.

Julie Giostad, Retired Teacher

Dr. Giostad spoke about some of the irregularities that she witnessed when scoring the ISTEP tests for CTB McGraw Hill. She questioned whether the ISTEP accurately reflected a student's ability to read.

Connie Craig, New Castle

Ms. Craig told the committee that her son has learning disabilities and, consequently, performs better with hands on tasks than he does on paper tests. She questioned the need for her son to take the Gateway examination since he intends to enroll in vocational school and not to attend college.

⁴ Mr. Mortell's document is on file in the Legislative Information Center (see Footnote 2).

⁵ 511 IAC 5-3-3 specifies a series of conditions that a student must follow to be waived from passing the Gateway examination to receive a diploma. One of these requirements is 95% attendance. For a 180 day school year, 95% attendance would be 171 days.

Mary Burke, New Castle⁶

Ms. Burke distributed a letter to committee members that outlined her objections to the Gateway Examination. She indicated that she was concerned that her son would drop out of school if he cannot pass the exam.

Linda Shore, Learning Disabilities Teacher

Ms. Shore has observed that learning disabled students in the lower elementary grades are already experiencing distress and anxiety because of the gateway exam

Diane Vagely, Richmond, IN⁷

Ms. Vagely described the problems that she has experienced with her son, who could not read when he was enrolled in the third grade. She told the committee members that the ISTEP test made her aware of what her child would have to accomplish in order for him to pass these tests. As a result, she described several of the steps that she took in order to teach him how to read.

She distributed to the committee members a copy of an informational summary of current research in learning disabilities being conducted by the National Institute of Child Health and Human Development by G. Reid Lyon, Ph.D., Chief, Child Development and Behavior Branch.

Chairman Robertson commented that some students will work hard, but will never pass the Gateway examination. He told the committee that the General Assembly must do something to help these students. He also commented that the Gateway examination is a minimum competency test and he does not wish to reduce the current proficiency standards on the test.

John Dickerson, ARC of Indiana⁸

Mr. Dickerson left written comments with the committee.

Thomas Doyle, Director of Special Education, MSD Pike Township⁹

Mr. Doyle indicated in his presentation that educational standards need to be raised for all students. However, because some students do not have the cognitive ability, they will not be able to perform adequately on the test. Consequently, Mr. Doyle suggested that special education students who meet the traditional graduation requirements should be allowed to receive a diploma even if they are not intellectually capable of achieving a passing score on the Gateway Examination.

Marilyn Faris, Executive Director, Covered Bridge Special Education District¹⁰

Ms. Faris told the committee members that they need to be concerned with what happens when special education students have completed school. Since the entry to employment has always been the high school diploma, students who do not meet the minimal standards on the Gateway exam could be excluded from many job possibilities even if they have good work habits, attended school regularly and completed required course work at a passing level. While Ms. Faris supports including students with disabilities in the Gateway examination, she is particularly concerned about those students with mild mental handicaps, severe learning disabilities, and low cognitive abilities.

⁶ Ms. Burke's document is on file in the Legislative Information Center (see Footnote 2).

⁷ The document prepared by G. Reid Lyon Ph.D. is on file in the Legislative Information Center (see Footnote 2).

⁸ Mr. Dickerson's written comments are on file in the Legislative Information Center (see Footnote 2).

⁹ Mr. Doyle's written comments are on file in the Legislative Information Center (see Footnote 2).

¹⁰ Ms. Farris' written comments are on file in the Legislative Information Center (see Footnote 2).

She suggested that the committee consider these alternatives:

- continue to require students with disabilities to participate in the exam;
- continue the waiver process for students who do not pass the test, but for whom teachers and principals know the skill level has been achieved;
- develop a diploma system that rewards students who meet standards but do not have the cognitive ability to develop higher level abstract thinking and mathematical concepts; or
- eliminate the diploma as it currently exists and develop a level of mastery certificate for all students.

Susan Price, Director of Special Services, Clay Community Schools¹¹

Ms. Price indicated that while she supports the concept of including special education students in the testing process, she did not want to penalize special education students who did not have the cognitive ability to perform adequately on the ISTEP. Consequently, she suggested several alternatives that the Department of Education could use ranging from judging a student's work samples to additional accommodations to students who are cognitively capable of passing the test.

Lisa Tanselle, Indiana School Boards Association

Ms. Tanselle told the committee that the School Boards Association's most serious concern is whether the schools will have sufficient time to prepare for the test and that students who are included in regular classrooms may not be getting adequate assistance to pass the exam.

Amy Cook Lervy, Council of Volunteers and Organizations for the Handicapped¹²

Ms. Lervy told the committee members that it will take time for parents and children to adjust to having to take a Gateway examination. However, it is important for as many special education students as possible to participate, otherwise special education programs will become a dumping ground for students who may wish to be exempt from the test.

Norma Kacen, Indiana State Teachers Association

Ms. Kacen told the committee members that the high stakes nature of the Gateway examination has caused much public attention to occur.

Chairman Robertson told the committee members that the July 22 meeting would be moved to Wednesday, August 12. He indicated that he would like to have a discussion on the benefits and costs of full day kindergarten and changing the date from June to September. He also indicated that he would allow persons to testify against optional full day kindergarten.

The meeting adjourned at 2:15 p.m.

¹¹ Ms. Price's written comments are on file in the Legislative Information Center (see Footnote 2).

¹² Ms. Lervy's written comments are on file in the Legislative Information Center (see Footnote 2).